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## BRINGING FULLY COMPETITIVE BROADBAND TO AMERICA<sup>1</sup>

September 5, 2008

Ms. Marlene H. Dortch  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Retransmission Consent Quiet Period for DTV Transition**  
***Ex Parte* Letter in Docket Nos. 00-96, 98-120, and 07-148**

Dear Ms. Dortch:

The Broadband Service Providers Association ("BSPA") hereby submits this letter to express its support for a retransmission consent quiet period during the upcoming digital television transition. BSPA agrees with the proposals and analysis articulated in the Petition for Expedited Rulemaking filed by Cequel Communications, LLC, et al. ("Petitioners") and submits the following additional comments for the record.

***Quiet Period Is In The Public Interest.*** The digital television transition taking place on February 17, 2009 is a one-time event that is unique in the history of television. The FCC and federal government have spent many years and many millions of dollars to ensure that the transition proceeds smoothly and that all consumers are educated about its effect and impact on their viewing capabilities. If broadcast signals are removed from cable systems during this critical time, it would cause unnecessary customer confusion and disruption. The proposed quiet period and maintenance of the *status quo* is a necessary and specifically tailored policy that will further support and ensure a smooth transition. While certain broadcast groups have offered to comply voluntarily with a limited quiet period, FCC action is clearly necessary to establish and enforce clear guidelines to govern this process since such agreement is not guaranteed from all broadcasters and, in any event, would assure uninterrupted service throughout the critical period leading up to the DTV transition. At this important time, the FCC should not gamble the DTV transition on industry solutions, but must provide regulations that are binding on all parties. As such, BSPA believes it is in the public interest to provide customers with uninterrupted local programming delivery during the transition pursuant to existing retransmission agreements.

***Quiet Period Status Quo Should Apply to All Parties.*** As articulated by the Petitioners, the purpose of the quiet period is to maintain the *status quo* of carriage obligations of broadcast stations throughout the transition time period. BSPA agrees with the necessity of a quiet period and believes that the *status quo* should apply to *both* cable operators and broadcast stations and

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<sup>1</sup> The current members of BSPA, all of which are last-mile, facilities-based providers, are: Hiawatha Broadband, Knology, RCN, and SureWest Communications. BSPA is located at 1601 K Street NW, Washington, DC 20006. Phone: 202.661.3945 Fax: 202.347.3457

should preserve the *status quo* of the rates, terms and conditions of existing agreements throughout the quiet period. By establishing mutual obligations, the FCC will ensure that the quiet period policy is competitively neutral.

***Quiet Period Must Begin Prior to 2009.*** Additionally, BSPA agrees that the quiet period must be initiated prior to the expiration of the current cable election cycle on December 31, 2008. As asserted by Petitioners, Dish Network and American Cable Association, many retransmission agreements will expire on December 31, 2008, and the quiet period should begin prior to that date. Establishing the start of the quiet period in mid-December will help to provide continuity and consistency and an overlap between the old election period and the new election period. Furthermore, BSPA strongly disagrees with the National Association of Broadcasters recommendation of a quiet period start date in February 2009. As clearly argued by Petitioners and others, the purpose of the quiet period is to maintain the *status quo*, which cannot be accomplished if there is disruption in the carriage of signals and agreements between the end of the year and the beginning of the quiet period. That purpose will be completely undermined and ineffective if the quiet period is initiated after January 1, 2009. As such, BSPA proposes that the quiet period time period begin on December 15, 2008 in order to assure overlap between the end of the contracts and the commencement of the quiet period.

The BSPA strongly supports the establishment of a retransmission quiet period during the DTV transition. We also urge the FCC to take prompt and urgent action on this proposal. There are less than four weeks until the October 1 cable election deadline and the FCC must resolve this issue in order to allow both broadcasters and cable operators sufficient time to plan accordingly. We therefore respectfully ask the FCC to act expeditiously to approve the proposal.

Respectfully submitted,

John D. Goodman  
Executive Director  
Broadband Service Providers Association